



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,625	01/11/2001	Ralph H. Echols	2000-IP-001727	8980

7590 07/03/2002
Marlin R. Smith, Esq.
Konneket & Smith, P.C.
Suite 230
660 North Central Expwy
Plano, TX 75074

EXAMINER

REVIS, ELIZABETH A

ART UNIT	PAPER NUMBER
----------	--------------

1723

DATE MAILED: 07/03/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,625

Applicant(s)

ECHOLS ET AL.

Examiner

Elizabeth Revis

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I Claims 1-15 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)) and is made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by Ross (5,964,296).

With respect to claim 1, Ross discloses a well screen (26) comprising a sidewall including a material and at least one line (80) embedded in the sidewall material (column 6, lines 11-18).

4. With respect to claim 2, Ross discloses the well screen as disclosed above in claim 1. Ross also discloses wherein the line extends generally longitudinally through the sidewall (column 6, lines 11-18 and figure 2).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (5,964,296) in view of Mullen et al. (6,148,915). With respect to claim 3, Ross discloses the well screen as disclosed above in claim 1. Ross does not disclose further comprising a filter media and wherein said filter media is recessed in the sidewall material.

Mullen et al. teaches further comprising a filter media (14), and wherein the filter media is recessed in the sidewall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a filter media in the sidewall of Ross, as taught by Mullen et al. to provide a degree of stabilization for the formation (column 3, lines 15-20).

With respect to claim 8, Ross discloses the well screen as disclosed above in claim 1. Ross does not disclose further comprising a filter media and wherein the filter media is expandable in the wellbore.

Mullen et al. teaches further comprising a filter media (14), and wherein the filter media is expandable in the well bore. It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the expandable filter media in Ross, as taught by Mullen et al. to provide a degree of stabilization for the formation (column 3, lines 15-20)

With respect to claim 9, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Ross also discloses the presence of at least one sensor (78) connected to the line.

With respect to claim 10-11, Ross in view of Mullen discloses the well screen as disclosed above in claim 9. Ross also discloses wherein the sensor senses a parameter external and internal, respectively, to the well screen (bridge between columns 5 and 6).

With respect to claim 12, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Ross also discloses further comprising an actuator (74) connected to the line.

With respect to claim 13, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Mullen et al. also discloses further comprising a flow control device (74) connected to the line.

7. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross in view of Mullen et al. as applied to claim 1 above, and further in view of Gissler et al. (6,269,883).

With respect to claim 14, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Ross. in view of Mullen et al. do not disclose wherein the line is a selected one of a communication line, an injection line, a power line, a control line, and a monitoring line.

Gissler et al. teaches wherein said line is a power line (column 6, lines 55-60). It would have been obvious to include a power line in Ross in view of Mullen et al. as taught by Gissler et al. to supply electrical power downhole to the wellscreen (column 6, lines 55-60).

With respect to claim 15, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Ross in view of Mullen et al. do not disclose wherein the line is a selected one of a hydraulic line, electrical line, and a fiber optic line.

Gissler et al. teaches wherein said line is an electrical line (column 6, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the electrical line of Gissler et al. in Ross in view of Mullen et al. to supply electrical power (column 6, lines 55-60).

8. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross. in view of Mullen et al. as applied to claim 1 above, and further in view of Freidrich et al. (5,460,416).

With respect to claim 4, Ross in view of Mullen et al. discloses the well screen as disclosed above in claim 1. Ross in view of Mullen et al. do not disclose the material of the sidewall.

Freidrich et al. teaches wherein the sidewall material is nonmetallic (Col. 4, Lines 25-40). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the sidewall material of Ross in view of Mullen et al. nonmetallic, as taught by Freidrich et al. so that it does not corrode when subjected to down-hole conditions (Col. 4, Lines 25-30).

With respect to claim 5, Ross in view of Mullen et al. and further in view of Freidrich et al. discloses the well screen as disclosed above in claim 4. Mullen et al. also discloses wherein flow passages are formed through the sidewall, and further comprising a generally tubular protective shield (114) lining each of the flow passages.

With respect to claim 6, Ross in view of Mullen et al. and further in view of Freidrich et al. discloses the well screen as disclosed above in claim 5. Mullen et al. also discloses further

Art Unit: 1723

comprising a flexible retainer (50) disposed between each shield and the representative flow passage.

With respect to claim 7, Ross in view of Mullen et al. and further in view of Freidrich et al. discloses the well screen as disclosed above in claim 4. Freidrich et al. also discloses wherein the sidewall material is a composite material (Col. 5, Lines 50-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the composite material in Ross. in view of Mullen et al., as taught by Freidrich et al. so that it does not corrode when subjected to down-hole conditions (Col. 4, Lines 25-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Revis whose telephone number is 703-305-3437. The examiner can normally be reached on M-F 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

ER
July 1, 2002

Joseph W. Drodge
JOSEPH W. DRODGE
PRIMARY EXAMINER